

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 13, 2000
Tuesday, 9:05 A.M.

The City Council met in regular session with Vice-Mayor Lambke in the Chair. Council Members Gale, Martz, Pisciotte, Rogers; present. *Council Member Cole, Mayor Knight absent.

Cathy Holdeman, City Manager's Office; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Ashok Aurora, Hindu.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of June 6, 2000, were approved 5 to 0. (Cole, Knight; absent)

AWARDS AND PRESENTATIONS

*Council Member Cole present.

PROCLAMATIONS

Proclamations previously approved were presented.

PUBLIC AGENDA

Mary DeSena, Partners in Development Research, Re: Comprehensive Plan.

Mary DeSena

Mary DeSena said she was presenting a Petition, containing over 1,200 signatures, urging active measures to combat the problem of sprawl.

Ms. DeSena said the MAPC has gone on record as opposing "planned growth" in any meaningful form, deleting every conservation measure from the 30-year plan.

Taxpayers pay the bill for development, not only for infrastructure such as roads and sewers, but also for community services for police and fire protection. Those taxed are not currently represented in the decision making process. The MAPC is overwhelmingly made up of persons in the building/development/realtor industries, and the group meets during the day, which automatically excludes most potential citizen volunteers.

Council Member Pisciotte

Council Member Pisciotte, referring to a paper titled "Which Plan do You Want?," with items listed on each side, asked Ms. DeSena if this was the cover letter used while circulating the petition.

Ms. DeSena

Ms. DeSena responded that a "Bill of Particulars" should be in the packet of signatures submitted to the City Clerk. The paper titled "Which Plan do You Want?" is a bullet form of the "Bill of Particulars."

Council Member Pisciotte

Council Member Pisciotte said he respected Ms. DeSena's interest in this issue but that did not grant the right to distort the facts. Council Member Pisciotte expressed objection to the use of this kind of distortion to perpetuate self-interest and disservice to the honest pursuit of real public policy.

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CITY COUNCIL AGENDA

APPOINTMENTS

BOARD/COMMISSION APPOINTMENTS.

No appointments were made.

CONSENT AGENDA

Lambke moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 6 to 0. (Knight absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 12, 2000.

Bids were opened June 9, 2000, pursuant to advertisements published on:

Water distribution system to serve West Ridge Estates - south of 29th Street North, east of 119th Street West. (448-89471/734964/470634) Does not affect existing traffic. City Council approval date: 05/02/2000. (District V)

Mies Construction - \$68,300.00

Brentwood from the north line of Clark to the south line of Mt. Vernon to serve Mayberry and Mt. Vernon Heights Additions and Unplatted Tracts - south of Mt. Vernon, west of Oliver. (472-83100/765595/490706) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 01/20/2000. (District III)

Kansas Paving Company - \$53,015.50

Paving Central/McLean/Meridian Intersection Reconstruction - Central and Meridian. (472-82910/706801/208256) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 06/23/1998. (District VI)

Ritchie Paving - \$953,751.00 (Base bid with add alternate)

Lambke moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

CMB APPLICATIONS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2000</u>	<u>(Consumption off Premises)</u>
Benjamin J. Schultz, Jr.	T & E Oil Co., Inc. dba Pantry Plus #19	10304 West 13th Street
Benjamin J. Schultz, Jr.	T & E Oil Co., Inc. dba Pantry Plus #20	233 South Maize
<u>Renewal</u>	<u>2000</u>	<u>(Consumption on Premises)</u>
Paul A. Miloni	Mama-Sans*	3811 West 12th Street
<u>New Operator</u>	<u>2000</u>	<u>(Consumption on Premises)</u>
Jose Hernandez	Hernandez Mexican Café Corporation*	1533 South Seneca

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*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Lambke moved that the licenses be approved subject to Staff approval. Motion carried 6 to 0. (Mayor Knight, absent)

PLANS AND SPECS.

SUB-DIVISION PLANS AND SPECIFICATIONS.

There were no sub-divisions plans and specifications submitted.

PRELIMINARY EST.

PRELIMINARY ESTIMATES:

a) 2000 enhanced maintenance stabilization - north of 47th Street South and west of Seneca. (2000-706786-1/706786-1/405241) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 12/07/1999. (Districts IV & V) - \$217,680.00

b) Harrison Park parking lot to serve an Unplatted Tract - east of Webb, south of Harry. (472-82971/785881/399120) Does not affect existing traffic. City Council approval date: 08/11/1998. (District II) - \$90,000.00

c) Lateral 432, Southwest Interceptor Sewer, Phase II to serve Aberdeen Third Addition - north of 21st Street North, east of 119th Street West. (468-83004/743833/480521) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 06/22/1999. (District V) - \$185,000.00

d) Churchill Circle from the east line of Red Brush to and including the loop; Churchill Courts serving Lots 27 through 31, Block 2, from the north line of Churchill Circle to and including the cul-de-sac; serving Lots 14 through 16 and Lots 34 through 36, Block 2, from the east line of Churchill Circle to and including the cul-de-sac, and serving Lots 20 through 23, Block 2, Wilson Farms Second Addition, from the south line of Churchill Circle to and including the cul-de-sac to serve Wilson Farms Second Addition - south of 21st, west of Webb. (472-83182/765619/490730) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 02/15/2000. (District II) - \$255,400.00

e) Water distribution system to serve Plaza Central Office Park Addition - south of Central, east of Greenwich. (448-89444/734949/470619) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 01/04/2000. (District II) - \$52,000.00

Motion --
-- carried

Lambke moved that the Preliminary Estimates be approved and filed. Motion carried 6 to 0. (Mayor Knight, absent)

WATER SYSTEM

PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM AND SANITARY SEWER TO SERVE PART OF LEGACY PARK WILSON ESTATES ADDITION – SOUTH OF 21ST STREET, WEST OF WEBB ROAD. (District II)

Agenda Report No. 00-0575.

The Petitions have been signed by one owner, representing 100% of the improvement districts.

This projects will provide sanitary sewer and water service to a new residential development.

The Petitions total \$149,900. The funding source is special assessments.

Motion --
-- carried

Lambke moved that the Petition be approved and the Resolutions be adopted. Motion carried 6 to 0. (Mayor Knight, absent)

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RESOLUTION NO. R-00-242

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89483, (south of 21st Street, west of Webb Road) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

RESOLUTION NO. R-00-243

Resolution of findings of advisability and Resolution authorizing construction of Lateral 33, Main 24, War Industries Sewer (south of 21st Street, west of Webb Road) 468-83119, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

WATER SYSTEM

PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM TO SERVE PART OF LOT 2, BLOCK 9, PARKWILDE ADDITION – SOUTH OF ST. LOUIS STREET, WEST OF WEST STREET.
(District IV)

Agenda Report No. 00-0576.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will provide water service to a residential property.

The Petition totals \$6,500. The funding source is special assessments.

Motion --
-- carried

Lambke moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Mayor Knight, absent)

RESOLUTION NO. R-00-244

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89481, (south of St. Louis, west of West Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

WATER SYSTEM

PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM TO SERVE PART OF LOT 20, BLOCK 1, FRUITVALE ADDITION – SOUTH OF ST. LOUIS STREET, WEST OF ANNA STREET.
(District IV)

Agenda Report No. 00-0577.

The Petition has been signed by three owners, representing 100% of the improvement district.

This project will provide water service to a residential property.

The Petition totals \$8,000 with 50% assessed to the improvement district and 50% paid by the Water Utility. The Utility share is for the cost of closing a dead-end main.

Motion --
-- carried

Lambke moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Mayor Knight, absent)

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RESOLUTION NO. R-00-245

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89482, (south of St. Louis, west of Anna Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER MAIN TO SERVE SAWMILL CREEK ADDITION – EAST OF ROCK ROAD, NORTH OF 45TH STREET NORTH. (District II)

Agenda Report No. 00-0578.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will provide sanitary sewer main service to a new residential development.

The Petition totals \$375,000 with \$187,500 assessed to the improvement district and \$187,500 paid by the Sewer Utility. The funding source is special assessments.

Motion --
-- carried

Lambke moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 0. (Mayor Knight, absent)

RESOLUTION NO. R-00-246

Resolution of findings of advisability and Resolution authorizing construction of Main 11, Sanitary Sewer #23, (east of Rock Road, north of 45th Street North), 468-83116, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Health	5-5-00
Board of Park Commissioners	5-8-00
District Advisory Board District 2	5-1-00
District Advisory Board District 3	5-1-00
District Advisory Board District 6	5-1-00
MAPC	3-16-00, 3-30-00
Wichita Area Planning Commission Minutes	4-13-00
Wichita Employees' Retirement System	4-26-00
Wichita Fire & Police Retirement System	4-26-00
Board of Code Standards and Appeals	5-1-00
Wichita-Sedgwick County Board of Health	5-11-00

Motion -- carried

Lambke moved that the Minutes be received and filed. Motion carried 6 to 0. (Knight absent)

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

TELEPHONE

CONTRACT FOR TELEPHONE SERVICE.

Agenda Report No. 00-0579.

On October 13, 1998, the Council approved the purchase of a new telephone system and a five-year contract with Southwestern Bell to provide trunking for the new system. That contract provided Caller ID, digital trunking, and increased system capacity for the new telephone system.

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On March 2, 2000, a consent decree was issued by the Kansas Corporation Commission which forces local telephone markets open to competition. The decree provides for a "fresh look" at local telephone service provision, and applies to all contracts entered into prior to the decree.

Pursuant to the order, the City received an unsolicited proposal from Adelphia Business Solutions offering to maintain the current level of service with a cost reduction of \$26,792 or 22% per year from current rates. The proposed contract term is five years, although the City will be able to terminate the contract at any time and at no additional cost.

The City contacted Southwestern Bell to offer the opportunity to meet or beat the price and service levels offered by Adelphia. Southwestern Bell declined to offer a more favorable price at the current level of service. At the present time, there are no other telecommunications service providers who have a demonstrated capability to provide a level of service equal to or better than the service offered by Adelphia.

The City will save \$133,959 over the five-year term of the proposed contract. These savings will help the City to continue providing quality telecommunications services without increased costs.

Motion --
-- carried

Lambke moved that the Contract with Adelphia Business Solutions be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

CHECK PRINTING

REPLACEMENT OF CHECK PRINTING SYSTEM.

Agenda Report No. 00-0580.

Bottomline Technologies, the manufacturer of the City's current check printing software, will discontinue support for its software in 2001. A Request for Proposal was sent to six vendors because the cost to upgrade this product to a supported version was excessive. Five vendors responded.

Payformance Corporation was selected to replace the current system because of its competitive price, ability to function with existing hardware, and ability to satisfy the City's security requirements. The existing computer hardware and printer are compatible with the proposed software.

Budget is available in the Data Center Fund.

City Council must approve purchases in excess of \$10,000.

Motion --
-- carried

Lambke moved that purchase of the software and forms design from Payformance Corporation in the amount of \$18,825 be approved. Motion carried 6 to 0. (Knight absent)

PUBLICATIONS

PUBLICATION OF LEGAL NOTICES.

Agenda Report No. 00-0581.

A Request for Proposal (RFP) was sent to two (2) vendors to provide the publication of legal notices. Two vendors, Wichita Eagle and Daily Reporter, meet the K.S.A. 64-101 statutory requirements of:

- ? A daily publication, Monday through Friday,
- ? Operated for at least five years,
- ? Mailed in Sedgwick County as second class mail,
- ? Has a general paid circulation in Sedgwick County,
- ? Is not a trade, religious, or fraternal publication, and
- ? Is printed in Kansas and published in Sedgwick County.

A staff committee reviewed and evaluated the two proposals based on qualifications, experience, compliance with K.S.A. 64-101, paid circulation, and pricing. The Wichita Eagle, based on this criteria, would enhance information availability to the citizens of legal notice publications. For a 12¢ per line increase in cost, the Wichita Eagle offers a substantially greater circulation of 71,500 (versus 2,056 for the competing vendor).

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	<u>Wichita Eagle</u>	<u>Daily Reporter</u>
Cost per line	\$0.70	\$0.58
Cost of additional affidavits	\$0.50	\$1.00
Cost of copies of affidavits	\$0.25	\$1.00

The contract will be for a period of one (1) year, with options to renew under the same terms and conditions for one (1) or two (2) one-year periods by mutual agreement of both parties.

There are sufficient funds within operating budgets to cover the cost of publications.

Motion --
-- carried

Lambke moved that the Contract with Wichita Eagle be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. R-00-248

A Resolution designating the Wichita Eagle as the official City newspaper of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

PARK VENDORS

VENDING SERVICES FOR RECREATION CENTERS/POOLS.

Agenda Report No. 00-0582.

The Park and Recreation Department currently has a snack vending services contract for the 10 recreation centers which is year round and for the 11 swimming pools from Memorial Day weekend to Labor Day weekend which will expire. A Request for Proposal (RFP) was sent to 15 vendors to provide snack vending services for the recreation centers and swimming pools. A.S.A.P. Vending, Inc., the current contract vendor, was the only one that responded to the proposal. The contract will be for a period of one year, with options to renew under the same terms and conditions for one or two one-year periods by mutual agreement of both parties.

A staff committee from the Park Department reviewed the proposal to evaluate the vendor, based on their qualifications, competence and capacity to provide the most commissions for snack vending services for the 10 recreation centers and 11 swimming pools. The vendor is offering a 20% commission. In addition, the vendor shall sponsor two children by donating \$200 each summer to the "Hook a Kid on Golf" program offered by the Park and Recreation Department. The vendor will provide product donations (chips, candy, etc.) to the recreation centers and/or pools for special events. Furthermore, the vendor will provide prizes such as hats, t-shirts, radios, etc. to be awarded to the public by representatives of the Park and Recreation Department.

A.S.A.P. Vending, Inc. agrees to reimburse the City of Wichita on a monthly basis with 20% commissions.

Motion --
-- carried

Lambke moved that the selection of A.S.A.P. Vending, Inc. be approved. Motion carried 6 to 0. (Mayor Knight, absent)

KDOT

GRANT WITH THE KANSAS DEPARTMENT OF TRANSPORTATION.

Agenda Report No. 00-0583.

On May 10, 1999, Governor Bill Graves signed into law House Bill 2071 that provides for a new state Comprehensive Transportation Program (CTP). The CTP provides funding to address highway, shortline railroad, aviation and public transportation needs over the next ten years.

Under the provision of the CTP, the City of Wichita has been allotted \$1,168,200 for FY 2001 (July 1, 2000 through June 30, 2001) which may be used for capital or operating expenditures.

The KDOT grant application process requires official action by the governing body authorizing the filing of grant applications, execution of approved grants, and receiving funds to administer the grant's Program. The purpose of this action is to authorize the City Manager to file for eligible State funds in support of the City's Transit services for 2000 and 2001 capital purchases and operations. This action is identical to what the City filed for KDOT's FY 2000 funds last January.

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The grant will provide for the following:

- ? Eight (8) replacement and one (1) expansion paratransit vans and associated accessories;
- ? One (1) small bus (van type) with accessories;
- ? Passenger shelters, benches, paratransit user aids and improvements, and customer support projects;
- ? One (1) supervisor support vehicle (replacement);
- ? Tires, wheelchair lift, and exterior refurbishment of buses;
- ? Transit Center improvements and refurbishment;
- ? Intelligent Transportation Systems initiatives, including research and purchase of selected programs;
- ? Revised Safety Program, including training and other employee initiatives;
- ? Service improvements, including operation and maintenance personnel costs, maintenance parts, equipment overhauls, associated fuels, a planning study, and administrative support.

Last year's carryover of KDOT funds equaled \$652,700; and, when combined with this year's allocation of \$1,168,200, the total funds available for this grant is \$1,820,900. Total grant budget for this year's program is \$1,139,083, which leaves a carryover of \$681,817 for future transit services or capital projects. KDOT funds will be used in conjunction with Federal projects at 20% of total costs, while service-related projects will be funded up to 100%. Recommendations/Actions: It is recommended that the City Council approve the filing for the Grant with KDOT and authorize the City Manager to execute the contract.

Motion --
-- carried

Lambke moved that the grant application be approved; the Contract be executed; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

CONDEMNATIONS

CONDEMNATION AWARD IN CONNECTION WITH SALE OF SURPLUS PROPERTY AT SOUTHWEST CORNER OF HILLSIDE AND LEWIS. (District II)

Agenda Report No. 00-0584.

In January of this year the Council authorized the acquisition by eminent domain of reversionary rights to six tracts of land held by the City as street right-of-way in order that the surplus land can be sold and developed. This land is located generally along the west side of Hillside between Lewis and Kellogg.

An eminent domain action was filed in the District Court. That proceeding was concluded with the filing of the appraisers' report on May 24, 2000. The appraisers' award for the reversionary interests for all six tracts totals \$ 2,475. In addition to the award, the Court awarded each of the three appraisers the sum of \$ 875 as appraisers' fees. Court costs are to be paid by the City in the amount of \$66.50.

In order for the City to acquire these reversionary interests it must pay to the Clerk of the District Court the sum of \$5,166.50 on or before June 23, 2000. This is the amount of the appraisers' award for all six tracts, plus fees and court costs.

The cost of acquiring this property will be paid by the purchaser of the surplus property.

In order to acquire the property for the project, the City must pay the \$5,166.50 into the Clerk of the District Court on or before June 23, 2000.

Motion --
-- carried

Lambke moved that payment to the Clerk of the District Court of the appraisers' award, together with the related costs and fees, for acquisition of the reversionary rights to these six tracts be approved. Motion carried 6 to 0. (Knight absent)

COWSKIN/CALFSKIN

FUNDING FOR COWSKIN AND CALFSKIN BASIN PROPERTY ACQUISITION PROJECT. (District V)

Agenda Report No. 00-0585.

In October 1998, flooding occurred along the Cowskin and Calfskin Creeks in west Wichita. As a result of this event, the City presented a proposed property acquisition program FEMA. FEMA approved the program on March 15, 2000. The program allows for the acquisition of 21 properties that are either located in the floodway or suffered more than 50% damage in the 1998 floods. The program is voluntary. Four owners declined to participate prior to offers being made.

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The program, as approved by FEMA, requires FEMA to pay 85% of the pre-flood County property valuation. FEMA is also responsible for 85% of closing costs up to \$750 per property and demolition costs up to \$6,500 per property. The seller is responsible for 15% of the selling price. Closing and demolition costs not paid by FEMA are estimated to be \$1,087.50 per property acquired.

Maximum amount of closing costs and demolition costs not paid by FEMA is estimated to be \$25,000. There is sufficient funds in the Property Management Special Revenue Fund contingency to fund the proposed expenditures.

The Property Management Special Revenue Fund can be utilized for this type of expenditure.

Motion -- carried

Lambke moved that the budget and funding source be approved. Motion carried 6 to 0. (Knight absent)

PROPERTY ACQ.

ACQUISITION OF 697 WETMORE FOR THE COWSKIN AND CALFSKIN BASIN PROPERTY ACQUISITION PROJECT. (District V)

Agenda Report No. 00-0586.

In October 1998, flooding occurred along the Cowskin and Calfskin Creeks in west Wichita. As a result of this event, the City presented a proposed voluntary property acquisition program FEMA. FEMA approved the program on March 15, 2000. The program calls for the acquisition of up to 20 properties that are either located in the floodway or suffered more than 50% damage in the 1998 floods. One such property is 697 Wetmore, which is owned by the Alyce I Marsee Living Trust. The site contains 20,350 square feet and is improved with a 2,095 square brick residence.

An offer of \$58,984.90, based on 85% of the pre-flood value of the property less \$22,360.10 of duplicated was extended to the owners. The owner has agreed to sell the property for this amount. Under the terms of the FEMA program, all improvements must be removed and future use of the site is restricted to open space.

The FEMA program provides funds for the purchase price and 85% of closing costs and demolition costs not covered by insurance. Any costs not funded by FEMA will be paid from the Property Management Special Revenue fund contingency. A budget of \$63,234.90 is requested. This includes \$58,984.90 for the acquisition, \$6,500 for demolition and \$750 for closing costs and title insurance. FEMA's participation will be used to offset this amount when received.

Motion --
-- carried

Lambke moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

PROPERTY ACQ.

ACQUISITION OF 24 LAKESIDE BOULEVARD FOR THE EAST KELLOGG IMPROVEMENT PROJECT. (District II)

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The owner of 24 Lakeside Boulevard, Steven L. Overstreet, have expressed an interest in selling this property to the City. The site contains 37,118 square feet and is improved with a 3,353 square foot brick, ranch-style single family residence. The property has three bedrooms and two and one-half baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of the entire site.

The property was appraised at \$265,000. The owner has located an acceptable replacement dwelling that is currently available. The replacement dwelling will require extensive renovation. Early acquisition will avoid future relocation and moving expenses, which, couple with the appraised value, are estimated to total between \$355,000 and \$430,000. An amount of \$370,000 has been negotiated. The property appears to be in good condition with no deferred maintenance noted.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$382,000 is requested. This includes \$370,000 for the acquisition, \$10,000 for demolition and \$2,000 for closing costs and title insurance.

Motion --
-- carried

Lambke moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

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PROPERTY DISP.

SALE OF SURPLUS PROPERTY LOCATED AT THE SOUTHWEST CORNER OF QUENTIN AND ROOSEVELT. (District II)

Agenda Report No. 00-0588.

An offer of \$2,000 has been received from Miguel Lyons for the City-owned remnant located in the west of intersection of Quentin and Roosevelt. The tract was acquired for the Kellogg/Oliver Interchange project and approximately 4,000 square feet of the site was utilized for the project. The site is zoned residential. The remnant parcel is irregularly shaped and contains approximately 7,800 square feet. The parcel has no access to Kellogg. Access is from Quentin or Roosevelt. Due to utility easements, configuration, and grade issues, the parcel is not feasible for residential redevelopment. The purchaser owns the adjacent property to the southwest.

The offer calculates to approximately \$.26 per gross square foot. The parcel is outside the Kellogg right-of-way wall and was excluded from the project landscaping plans. The purchaser wishes to irrigate the parcel and extensively landscape the parcel. The site will be subject to a prohibition against the construction of any significant permanent structures.

The City will receive cash consideration from the sale of the property at closing. Upon sale, this property will return to the tax rolls.

Motion --
-- carried

Lambke moved that the sale be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

TELEPHONE

PURCHASE OF TELECOMMUNICATIONS SERVICES.

Agenda Report No. 00-0589.

Century II is in the process of replacing its old phone equipment to a system that will accommodate digital service. The cost of digital service was researched and found to be more efficient and economical. Current plans include the replacement of fifteen two-way telephone analog trunks with a new digital twenty-four channel T-1 digital service, increasing capacity by nine lines. This change will allow for greater capacity, improved service (analog to digital), and increased phone rentals to exhibitors. Century II is currently spending \$1,025 per month for 15-line analog service, the cost of the Adelphia T-1 service will be \$920.26 per month.

Competitive quotes were received and reviewed by Purchasing, Data Center and Century II. Adelphia Business Solutions was selected based on its proposed pricing. Adelphia is currently providing line service for the Wichita Transit Authority and Water Department locations. The contract is similar to contracts the City has approved in the past with this Company.

Phone service is a budgeted item. The new service will cost less than the current budgeted amount. The additional service lines will also allow for increased revenue from phone rentals.

Motion --
-- carried

Lambke moved that the purchase of telecommunication services from Adelphia Business Solutions be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

FARMLAND IND.

PURCHASE OPTION – FARMLAND INDUSTRIES, INC. (District IV)

Agenda Report No. 00-0590.

On March 14, 1989 the Wichita City Council approved the issuance of \$16.7 million in Industrial Revenue Bonds, Series I, 1989, to purchase and refurbish an existing building and to purchase new equipment located at 2323 South Sheridan.

Under the provisions of Sections 10.2 and 10.3 of the Lease Agreement for the bond series, Farmland Industries, Inc, has the option, if all outstanding bonds have been paid, to purchase the facility from the City of Wichita for the sum of \$100. The City of Wichita on May 23, 2000, received notice from the Farmland Industries, Inc. of a request to call outstanding bonds and of the company's intention to exercise its purchase option. In connection with the exercise of the purchase option, the company has asked that the City waive the 45-day notice period so that it can close on the purchase by June 16, 2000.

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Under the terms of the Lease, the City is required to convey the personal property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds.

The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by quit claim deed, once all the conditions established in the Lease have been met.

Motion --

-- carried

Lambke moved that the Quit Claim Deed and the Termination of Lease Agreement be approved; the bond call be ratified; the notice period for reconveyance be waived; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. R-00-247

A Resolution authorizing the City of Wichita, Kansas, to convey certain real property to Farmland Industries, Inc. and prescribing the form of and authorizing the execution and delivery of certain documents in connection therewith, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JUNE 6, 2000)

- a) Public Hearing and Tax Exemption Request – Great Plains Ventures, Inc. (District I)

ORDINANCE NO. 44-661

An Ordinance exempting property from Ad Valorem Taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; describing the property of Great Plains Ventures, Inc., so exempted; and repealing Ordinance No.42-603, read for the second time. Lambke moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

- b) Wichita Employees' Retirement System.

ORDINANCE NO. 44-662

An Ordinance amending Section 2.28.085 of the Code of the City of Wichita, Kansas, pertaining to the incorporation of revisions to the Wichita Employees' Retirement System, read for the second time. Lambke moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

- c) Kansas Public Water Supply Loan Fund.

ORDINANCE NO. 44-663

An Ordinance of the City of Wichita, Kansas, authorizing and providing for constructing, reconstructing, altering, repairing, improving, extending or enlarging of the municipal water and sewer utility; authorizing and providing for the sale and issuance of \$7,220,000 aggregate principal amount of Water and Sewer Utility Revenue Bonds, Series 2000, of the City of Wichita, Kansas, for the purpose of paying the costs thereof; prescribing the form and details of the bonds; authorizing the execution of a loan agreement between the City of Wichita, Kansas and the State of Kansas, acting by and through the Kansas Department of Health and Environment for the purpose of obtaining a loan from the Kansas Public Water Supply Loan Fund for the purpose of financing a public water supply project; providing for the collection, segregation and application of the revenues of the utility for the purposes authorized by law, and making certain covenants and agreements with respect thereto; and authorizing and providing for the execution and delivery of certain agreements and supporting documents, read for the second time. Lambke moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers.

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d) ZON 2000-0009 - St. Francis and Elm – 609 North St. Francis. (District VI)

ORDINANCE NO. 44-664

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Lambke moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight absent) Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers. ZON 2000-0009

PLANNING AGENDA

VAC 2000-00008

VAC 2000-00008 - REQUEST TO VACATE 20-FOOT UTILITY EASEMENT AND JOINT ACCESS EASEMENT LOCATED WEST OF 127TH STREET EAST ON THE SOUTH SIDE OF 13TH STREET NORTH. (District II)

Agenda Report No. 00-0591.

Staff Recommendation: Approve vacation 20-foot utility easement and joint access easement.

MAPC Recommendation: Approve vacation of 20-foot utility easement and joint access easement. (unanimous)

The applicant is requesting to vacate the 20-foot utility easement and 25-foot joint access easements that run anterior to the three lots that they intend to develop as a new church site.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant shall coordinate with the Office of Central Inspection to shift the western boundaries of Lots 139 and 140 to coincide with the eastern extent of the subject property on Lot 138, and the applicant shall submit a restrictive covenant that ties Lots 139 and 140 together. No written protests have been filed.

Motion --

Lambke moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayor Knight, absent)

-- carried

VAC 2000-00009

VAC 2000-00009 - REQUEST TO VACATE A PORTION OF A 30-FOOT DRAINAGE AND UTILITY EASEMENT LOCATED ON THE EAST SIDE OF HENDRYX COURT, SOUTH OF HENDRYX. (District V)

Agenda Report No. 00-0592.

Staff Recommendation: Approve vacation of a portion of a 30-foot drainage and utility easement.

MAPC Recommendation: Approve vacation of a portion of a 30-foot drainage and utility easement. (unanimous)

The applicant is requesting to vacate the west 10 feet of a 30-foot drainage and utility easement that runs along the rear property line of the subject property. The site is currently vacant, but the contract purchaser wishes to build a home with a covered deck that would extend into the existing easement. Additionally, the applicant would like to place a water-well for landscaping in the easement to be vacated.

One neighbor spoke in opposition to this request at the MAPC's advertised public hearing. His concern was related to the line of trees that exists at the rear of the subject property and adjacent to his property. The requested vacation should have no impact on the trees at the rear of the property. The Planning Department received a letter from the neighbor to the north of the subject property, who was concerned that the vacation development into the vacated area would affect the drainage on her property. After consultation with Chris Carrier, Storm Water Management, the neighbor agreed that the construction of a covered deck would not change the drainage on her property. She still had general concerns about the overall grading of the subject property, but not specific to this vacation request.

The MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant shall maintain the existing surface swale for surface drainage. No official written protests have been filed.

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Motion --

Lambke moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayor Knight, absent)

-- carried

VAC 2000-00010

VAC 2000-00010 - REQUEST TO VACATE A 20-FOOT UTILITY EASEMENT LOCATED NORTH OF KELLOGG AND WEST OF WOODCHUCK. (District V)

Agenda Report No. 00-0593.

Staff Recommendation: Approve vacation of a 20-foot utility easement.

MAPC Recommendation: Approve vacation of a 20-foot utility easement. (unanimous)

The applicant is requesting to vacate a 20-foot utility easement that runs along the shared boundary lines of Lot 4 and 5 to the north and Lot 3 to the south of Carriage House Plaza Addition. All three lots are under the same ownership and CAP Carpet, Inc. wishes to relocate their retail carpet store on this site, utilizing the existing easement as buildable land.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant submitting a restrictive covenant that ties Lots 4, 5, and 6 together. No written protests have been filed.

Motion --

Lambke moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayor Knight, absent)

-- carried

VAC 20000-0011

VAC 20000-0011 - REQUEST TO VACATE A PORTION OF ACCESS CONTROL LOCATED SOUTH OF HARRY AND EAST OF SMITHMOOR. (District II)

Agenda Report No. 00-0594.

Staff Recommendation: Approve vacation of a portion of access control.

MAPC Recommendation: Approve vacation of a portion of access control. (unanimous)

The applicant is requesting to vacate a portion of access control along Harry to adjust driveway access for the proposed development on this site.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --

Lambke moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayor Knight, absent)

-- carried

VAC 2000-00012

VAC 2000-00012 - REQUEST TO VACATE A PORTION OF A FRONT BUILDING SETBACK LOCATED ON THE WEST SIDE OF HYDRAULIC BETWEEN 2ND AND 3RD STREETS. (District I)

Agenda Report No. 00-0595.

Staff Recommendation: Approve vacation of a portion of a front building setback.

MAPC Recommendation: Approve vacation of a portion of a front building setback. (unanimous)

The applicant is requesting to vacate 15 feet of a 35-foot building setback along Hydraulic for future expansion of the existing business. This reduction in building setback would leave 20 feet of front setback, which is the same as the required front setback in the "GC" zoning district.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

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Motion -- Lambke moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayor Knight, absent)
-- carried

VAC 2000-00013 **VAC 2000-00013 - REQUEST TO VACATE A PORTION OF ACCESS CONTROL LOCATED NORTH OF KELLOGG FRONTAGE AND WEST OF WOODCHUCK.** (District V)

Agenda Report No. 00-0596.

Staff Recommendation: Approve vacation of a portion of access control.
MAPC Recommendation: Approve vacation of a portion of access control. (unanimous)

The applicant is requesting to vacate 7 feet of access control along Kellogg frontage road for a shared access point between Lots 2 and 4. This seven feet is in addition to the existing 50 feet of driveway opening allowed for the shared access point.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion -- Lambke moved that having reviewed the recommendation of the MAPC and in accordance with Policy 10, the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Mayor Knight, absent)
-- carried

STREET IMP. **STREET IMPROVEMENT AGREEMENT FOR SUB 2000-40 LOCATED ON THE NORTHWEST CORNER OF SIERRA AND PUEBLO.** (District V)

Agenda Report No. 00-0597.

This No Protest Agreement for the paving of Sierra and Pueblo was required for the approval of a Lot Split (SUB 2000-40) for Lot 3, Block A, Airport Industrial Addition. The Lot Split will allow for the creation of an additional lot zoned LI, Limited Industrial. This Agreement assures the City of Wichita that this property will be included in the improvement district for paving of both Sierra and Pueblo Streets and that the owners have waived their right to protest said paving.

Motion -- Lambke moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)
-- carried

EXECUTIVE SESSION Lambke moved that the City Council recess into executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, and legal advice; confidential data relating to the financial affairs or trade secrets of a business; and the Council return from executive session no earlier than 10:05 a.m. Motion carried 6 to 0. (Knight absent)

RECESS The City Council recessed at 9:40 a.m. and reconvened at 10:14 a.m.

Vice Mayor Lambke Vice Mayor Lambke announced that no action was necessary as a result of the executive session.

RECESS The City Council recessed at 10:15 a.m. to a workshop on the Comprehensive Plan Review, to be followed by a recess until the 7:00 p.m. annexation hearing.

Wichita, Kansas, June 13, 2000

Tuesday, 7:00 p.m.

The City Council met in recessed session at the HeartSpring Conference Center, 8700 East 29th Street North, 7:00 p.m. Vice Mayor Lambke in the Chair. Council Members Gale, Martz, Pisciotte; present. Mayor Knight and Council Members Cole, Rogers; absent.

Doug Moshier, Senior Assistant City Attorney; Pat Burnett, City Clerk; present

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A 00-03

**A 00-03 – PROPOSED ANNEXATION OF LAND GENERALLY LOCATED WEST OF WEBB ROAD
AND SOUTH OF 45TH STREET NORTH, PHASE III, TO THE CITY OF WICHITA, KANSAS.**
(District II)

Agenda Report No. 00-0574.

On April 11, 2000, the City Council adopted a resolution that established June 13, 2000, at 7:00 p.m. at the HeartSpring Conference Center, 8700 East 29th Street North, Wichita, Kansas as the time and place for a public hearing for this annexation. The areas that are proposed for annexation are located west of Webb Road and south of 45th Street North.

This is the third phase of a three-phase annexation. The first phase became effective on October 22, 1999, and brought 120 acres into the City. The second phase became effective on January 25, 2000 and brought 26 acres into the City. The subject area of the third phase consists of approximately 10 acres and ten (10) properties (all are unplatted). The land-use pattern is solely residential. The entire area is zoned "SF-20" Single Family Residential, and will convert to the "SF-6" Single-Family Residential district upon annexation (unless otherwise requested by the property owners).

An informational meeting regarding the proposed annexation was held on May 2, 2000 at 7:00 p.m., at the HeartSpring Conference Center, 8700 E. 29th Street North. No citizens attended the meeting.

In accordance with Kansas statutes, a Service Extension Plan was prepared for this unilateral annexation. The plan describes the means by which City services will be extended to the area. The service and financial analysis of the proposed annexation is contained in the plan.

The total appraised value of the land and improvements of this annexation is \$477,220, which results in an initial annual City Ad Valorem tax revenue of approximately \$1,727.

Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

The Service Extension Plan has been on file for public inspection in the Office of the City Clerk. Copies of the resolution establishing the public hearing, a map (showing the properties included) and a notice of the public hearing, were sent by certified mail to all property owners of record in the proposed annexation area and to other established governmental entities and utility services. Copies of the resolution and map have also been published in the official City newspaper as further notification of the scheduled public hearing.

The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on April 27, 2000. The staff report presented at the MAPC meeting indicated that the proposed annexation was in conformance with the Comprehensive Plan. The MAPC found the proposed annexation in conformance with the Comprehensive Plan by a unanimous vote (12-0).

In conducting the public hearing, Kansas statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. After hearing all comments of the persons interested, the City Council has the option of continuing or closing the public hearing, and approving or rejecting the annexation proposal.

There were no members of the public present.

Motion --
-- carried

Pisciotta moved that the Council dispense with the description of the area and services for annexation. Motion carried 4 to 0. (Cole, Rogers, Knight; absent)

Motion --
-- carried

Pisciotta moved that the Public Hearing be closed; the annexation request be approved and the Ordinance be placed on first reading. Motion carried 4 to 0. (Cole, Rogers, Knight; absent)

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ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 00-03

ADJOURNMENT

The City Council meeting adjourned at 7:05 p.m.

Pat Burnett CMC
City Clerk